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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,173	09/17/2003	Sheila Farrokhlaee Kia	GP-302380	3329

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EXAMINER

LEADER, WILLIAM T

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/664,173	<b>Applicant(s)</b> KIA ET AL.	
	<b>Examiner</b> William T. Leader	<b>Art Unit</b> 1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 7-10 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt of the papers filed on January 13, 2006, is acknowledged. Claims 1-10 are pending.
2. Applicant's election with traverse of claims 1-3 and 7-10 in the reply filed on January 13, 2006, is acknowledged. The traversal is on the ground(s) that the products of claims 4-6 are to be made only by the methods recited in claims 1-3. This is not found persuasive because the patentability of product claims is based on the product, not the process by which the product was made. Product-by-process claims are not limited to the manipulations of the recited steps, only the structure implied by the steps. See MPEP 2113.

The requirement is still deemed proper and is therefore made FINAL.

3. The terminal disclaimer filed on January 13, 2006, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of patent no. 6,884,336 has been reviewed and is accepted. The terminal disclaimer has been recorded.
4. In view of the terminal disclaimer, the double patenting rejection of record is withdrawn.

### ***Claim Rejections - 35 USC § 103***

5. Claims 1 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartkowski et al (5,102,508) in view of Hill et al (6,493,920) and Leclercq (3,733,766).
6. Bartkowski et al is applied as in the previous office action. Bartkowski is directed to a method of producing colored surfaces on parts of aluminum. The method includes the steps of

anodizing and coloring. Bartkowski refers to parts broadly, and does not limit the method to any particular parts. At column 1, lines 11-18, Bartkowski lists examples of parts to which the method may be applied, and indicates that the method is applicable to parts used in the automobile industry. Applicant has amended independent claims 1 and 7 to delete the recitation of decorative component parts so that the claims are directed only to a method of making a decorative aluminum automotive vehicle body. Applicant contends that the Bartkowski method is for individual aluminum parts and does not contemplate making a whole vehicle body (Remarks, bottom of page 5 to top of page 6). It is the examiner's position that the broad teaching of Bartkowski et al suggests use of the method for any part or parts used in the automobile industry, including a vehicle body. Nevertheless, in view of applicant's amendment to the claims Hill et al and Leclercq are additionally applied.

7. The Hill et al patent is directed to a method assembling a vehicle from modular components. Hill et al discuss a roof assembly 14 which includes a roof panel. It is the examiner's position that a roof assembly with a roof panel is part of a vehicle body as now recited. The roof assembly is preferably pre-colored. The pre-colored panel may be a painted metallic panel or an anodized light metal panel. See column 2, lines 44-57. Thus, Hill et al clearly suggests a colored anodized panel as an alternative to a painted panel as a part of a vehicle body.

8. The Leclercq patent concerns a panel for large structural wall of ceiling surfaces. The panel is preferably aluminum or an aluminum alloy, anodized and colored, painted, lacquered or

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coated with a layer of plastic material. See column 1, lines 24-30. Thus, Leclercq discloses that it is known to use anodized and colored aluminum panels as an alternative to painted panels.

9. It would have been obvious at the time of the invention to have utilized the method of Bartkowski to make a decorative aluminum automotive vehicle body because Bartkowski teaches broad applicability of the method to aluminum parts, particularly automotive parts, and because it is known to have utilized anodized colored panels as part of a vehicle body as shown by Hill et al, and to used anodized and colored panels as an alternative to painted panels as shown by Leclercq.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartkowski et al (5,102,508) in view of Hill et al (6,493,920) and Leclercq (3,733,766) as applied to claims 1 and 7-10 above, and further in view of Gruninger (4,648,911).

11. As indicated in the previous office action Gruninger teaches a process for sealing the surface of anodized aluminum parts comprising treating the anodized surface with a solution containing at least one nickel salt and at least one fluoride at a temperature below 30°. It would have been obvious at the time the invention was made to have modified the method of Bartkowski et al by cold sealing the aluminum parts as disclosed by Gruninger because Gruninger teaches that this sealing process is advantageous since it does not result in bath contamination and that it gives outstanding sealing.

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12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartkowski et al (5,102,508) in view of Hill et al (6,493,920) and Leclercq (3,733,766) as applied to claims 1 and 7-10 above, and further in view of Gruninger and Lowenheim.

13. As indicated in the previous office action Lowenheim teaches a method for hot sealing anodized aluminum parts comprising immersing the parts in distilled or deionized boiling water at a temperature of 89-100°C. It would have been obvious at the time the invention was made to have modified the method Bartkowski et al in view of Gruninger by heat sealing the aluminum surfaces as disclosed by Lowenheim because the utility and performance of anodic coatings on aluminum depends on the type of post-anodizing treatment used as taught the Lowenheim.

14. Applicant's arguments have been considered and have been addressed as indicated in the grounds of rejection above.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 571-272-1245. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William Leader  
March 30, 2006